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FILED
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U.S. DISTRICT COURT
EASTERN DIST. MICH.
DETROIT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY WILLIAMS-EL,

Plaintiff,

v.

WILLIAM OVERTON, DAVID JAMROG, MARY-JO PASS, PAUL KLEE, CHAD MARKWELL, DR. GEORGE PRAMSTALLER, and BONNIE PETERSON,

Defendants.

Case No. 02-CV-75133-DT

Honorable Denise Page Hood

ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Virginia M. Morgan's Report and Recommendation dated July 22, 2003. The Court extended Plaintiff's time to file his Objections to the Report and Recommendation. Plaintiff filed his Objections on September 25, 2003.

The Court has had an opportunity to review the Report and Recommendation and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court agrees with the Magistrate Judge that the Complaint should be dismissed pursuant to 42 U.S.C. § 1997e(a) for failure to exhaust administrative remedies. See *Brown v. Toombs*, 139 F.3d 1102, 1104 (6th Cir. 1998). The Court, therefore, will not address the merits of the Complaint and the Court takes no position with regards to the Magistrate Judge's analysis on the merits of the Complaint.

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Accordingly,

IT IS ORDERED that Magistrate Judge Morgan's Report and Recommendation dated July 22, 2003 is ACCEPTED and ADOPTED as this Court's findings of fact and conclusions of law as to the failure to exhaust administrative exhaustion issue only.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss or for Summary Judgment **(Docket Nos. 27-1 and 27-2, filed April 15, 2003)** is GRANTED with regards to the failure to exhaust administrative remedies issue only.

IT IS FURTHER ORDERED that the Complaint is DISMISSED without prejudice.

DENISE PAGE HOOD
United States District Judge

DATED: OCT 31 2003

PURSUANT TO RULE 77(D), FRCivP
COPIES HAVE BEEN MAILED TO ALL
ATTORNEYS FOR ALL PARTIES ON
~~OCT 31 2003~~ 11/3/04
P. R. Lausberry
DEPUTY CLERK